

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RODNEY TOW, TRUSTEE,	§	CIVIL ACTION 4:15-cv-2065
APPELLEE,	§	
	§	ADVERSARY CASE NO. 14-3280
VERSUS	§	
	§	DISTRICT JUDGE GRAY H. MILLER
WATER QUALITY INSURANCE	§	
SYNDICATE,	§	
APPELLANT.	§	

DESIGNATION OF THE ISSUES ON APPEAL
PURSUANT TO BANKR. RULE 8009(a)(1)(A)

NOW INTO COURT, through undersigned counsel, comes Water Quality Insurance Syndicate (“WQIS”), and submits its statement of the issues to be presented on appeal pursuant to Bankruptcy Rule 8009(a)(1)(A):

- 1) Whether the Bankruptcy Court committed error when it held that Texas law controls the interpretation of the insurance policy at issue, despite the parties’ mutual choice of New York law to govern their maritime insurance contract.
- 2) Whether the Bankruptcy Court committed error when it failed to find that no “Occurrence” is alleged in the underlying litigation, negating coverage and eliminating any duty to reimburse defense costs.
- 3) Whether the Bankruptcy Court committed error when it failed to find that WQIS has no duty to reimburse defense costs paid to counsel it has not approved.
- 4) Whether the Bankruptcy Court committed error when it held that, under Texas law, WQIS failed to sufficiently raise the issue of prejudice due to late notice.

Respectfully submitted,

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/s/ Stephen L. Williamson

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CERTIFICATE OF SERVICE

I hereby certify that on August 25, 2015, notice of this document will be electronically mailed to the parties registered or otherwise entitled to receive electronic notices in this proceeding pursuant to the Electronic Filing Procedures in this District.

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